

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6768

BILL NUMBER: SB 262

NOTE PREPARED: Mar 15, 2012

BILL AMENDED: Mar 10, 2012

SUBJECT: IC 4 and IC 5 Revision.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR: Rep. Steuerwald

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Reorganization of Sections of IC 4 and IC 5 Dealing with Criminal Law* – It reorganizes certain crimes relating to state and local administration by: (1) relocating and renumbering crimes currently codified as offenses against public administration (IC 35-44) into a new article and repealing IC 35-44; and (2) relocating certain other crimes codified in IC 4 and IC 5 into the criminal code.
- B. *Repealers* – It repeals redundant provisions. It repeals a provision adopted in 1855 prohibiting certain governmental officers from recklessly lending more money than they are authorized to lend.
- C. *Conflict of Interest Exemption* – It exempts from the conflict of interest statute a physician employed or contracted by a hospital.
- D. *Disclosure of Certain Confidential Information* – It makes the disclosure of certain confidential information a Class A infraction (under current law the disclosure of certain confidential information is a Class A misdemeanor).
- E. It makes technical corrections.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: *Disclosure of Certain Confidential Information* – Revenue to the Common School Fund may be reduced if an infraction judgment rather than a fine is assessed, but revenue to the state General Fund may increase. (Fines are deposited in the Common School Fund, while infraction judgments are deposited in the state General Fund.) Currently, the maximum judgment for a Class A misdemeanor is \$5,000. Under this bill, an offender could pay an infraction judgment of \$10,000. Revenue from court fees may also be reduced. The court fee for a misdemeanor is \$120, while the criminal costs fee for an infraction is \$70. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court.

Explanation of Local Expenditures: *Disclosure of Certain Confidential Information* – Costs to local governments might be reduced since no term of imprisonment is imposed on infractions. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost of housing a prisoner in jail is roughly \$44.

Explanation of Local Revenues: *Disclosure of Certain Confidential Information* – The county general fund receives 27% of the \$120 court fee for misdemeanors that is assessed in a court of record. However, the criminal costs fee for an infraction is \$70. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: Office of the Inspector General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: IC 33-37-4-6. Indiana Sheriffs' Association.

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